



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. DEPARTMENT OF GENERAL SERVICES

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the Department of General Services (DGS) intends to amend its Conflict of Interest Code pursuant to Government Code Section 87302. Pursuant to Government Code Sections 87300–87302, the code will designate titles and/or the classifications of employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

NOTICE OF WRITTEN COMMENT PERIOD

A written comment period has been established commencing on **October 14, 2005** and terminating on **December 14, 2005**. Any interested person may present written comments concerning the proposed code amendments no later than **December 14, 2005** to Jack Barr, Deputy Director, Management Services Division, Department of General Services, P. O. Box 989052, West Sacramento, CA 95798-9052, (916) 376-5026.

REQUEST FOR PUBLIC HEARING

No public hearing on this matter will be held unless any interested person or his or her representative requests in writing, no later than 15 days prior to the close of the written comment period, a public hearing. Contact the departmental representative listed above.

SUMMARY OF PROPOSED AMENDMENT

Position titles and classifications currently stated in the DGS' existing Conflict of Interest Code have been changed, added or deleted. In addition, the number of disclosure categories has been reduced.

The DGS now proposes to amend its existing Conflict of Interest Code to reflect current position titles and/or classifications and revised reporting categories.

REQUESTS FOR PROPOSED AMENDMENT

Copies of the proposed amendment are available to interested persons for inspection and copying and may be obtained from the Department of General Services, Executive Office, 707 Third Street, West Sacramento, CA 95798-9052. Any inquiries concerning the proposed code amendments should be directed to Jack Barr, Deputy Director, Management Services Division (916) 376-5024.

INITIAL STATEMENT OF REASONS

The DGS has prepared an initial statement of reasons for the amendment and has available all of the information upon which its proposal was based.

AUTHORITY TO AMEND REGULATIONS

The DGS proposes to amend the Conflict of Interest Code under the authority granted by Government Code Section 87300. The purpose of these regulations is to implement, interpret, and clarify California Government Code Sections 87300–87302.

LOCAL MANDATE

The proposed amendments do not impose any mandate on local agencies or school districts.

FISCAL IMPACT

The proposed amendments will not impose a cost or create savings to any State agency, local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, will not result in any nondiscretionary cost or savings in Federal funding to the State.

SMALL BUSINESS IMPACT

The proposed amendments have no significant adverse economic impact on small businesses.

PRIVATE PERSON/BUSINESS IMPACT

The proposed amendments will not create any significant cost impact on private persons or businesses as there are no such persons or businesses directly affected.

The Department of General Services has determined that no alternative considered by the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

TITLE 4. CALIFORNIA HORSE RACING BOARD

CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND RULE 1844. VETERINARY PRACTICES

The California Horse Racing Board (Board) proposes to amend the regulation described below after

considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1844. Veterinary Practices. The proposed amendment would change the level of Flunixin allowed in a test sample from not more than 20 nanograms per milliliter of blood plasma or serum to not more than 100 nanograms of the drug substance per milliliter of blood plasma or serum.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, December 1, 2005**, or as soon after that as business before the Board will permit, at the **Hollywood Park Racetrack, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on November 28, 2005**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6042
E-Mail: harolda@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions (B&P) Code. Reference: Sections 19580 and 19581, B&P Code.

B&P Code Sections 19440 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19580 and 19581, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse

racing and pari-mutuel wagering. B&P Code Section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this State. B&P Code Section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the State. B&P Code Section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof.

The Board proposes to amend Rule 1844, subsection (c)(2) to provide that the test sample shall contain not more than 100 nanograms of the drug flunixin per milliliter of blood plasma or serum. Subsection 1844 (c)(2) currently provides that the test sample shall contain not more than 20 nanograms of the drug flunixin per milliliter (ng/ml) of blood plasma or serum. The current level for Flunixin was based on Racing Medication and Testing Consortium (RMTC) studies that utilized a dose of flunixin of 1.1mg. per kg. of body weight administered 24 hours prior to racing. When the Board adopted the current flunixin level it initiated a 60-day "phase in" period during which it learned that post race serum samples could exceed the 20 ng/ml limit, as California veterinarians routinely administer up to 500 mg of flunixin to a horse 24 hours prior to racing. The phase in period was extended for an additional 60 days during which the Kenneth L. Maddy Equine Analytical Laboratory conducted a survey of scientific literature regarding flunixin. The survey revealed that flunixin administrations to race-age-horses using 500 mg. intravenously, the dose that is commonly used by racetrack veterinarians, would result in some flunixin overages at the current threshold of 20 ng/ml.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1844 will not have a significant adverse economic impact directly affecting

business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1844 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1844 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Jacqueline Wagner, Manager
Policy and Regulations
Telephone: (916) 263-6041

Pat Noble, Regulation Analyst
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

DIVISION 8 OF TITLE 5 CALIFORNIA CODE OF REGULATIONS

Proposed Amendments to California Code of Regulations, Title 5, Sections 80300, 80309.1, 80310, 80311, 80314.5, and 80317 and the Addition of New Section 80305 Pertaining to the Committee of Credentials

NOTICE OF PROPOSED RULEMAKING

The California Commission on Teacher Credentialing proposes to amend regulatory action described

below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

December 1, 2005

10:00 a.m.

California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95814

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Kim Hunter at (916) 445-0243 if you wish to provide oral comments. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commission and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on November 28, 2005. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 323-6735; write to the California Commission on Teacher Credentialing, Attn. Kim Hunter, 1900 Capitol Avenue, Sacramento, California 95814; or submit an email to Khunter@ctc.ca.gov. Diana Mansker is a back-up contact person, and can be reached at (916) 445-0243.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Authority: Education Code section 44225(q).

Reference: Education Code sections 44002, 44225(q), 44242.3, 44242.5, 44242.7, 44244, 44244.1, 44246, 44421, 44438, and Code of Civil Procedure, section 1013(a).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Staff is proposing modifications to existing regulations, and new regulations, as a result of the enactment of legislation (SB 63 Chapter 73, Statutes of 2005). Additional changes make technical and clarifying corrections.

Cost savings measures mandated by SB 63 (Chapter 73, Statutes of 2005) are contained in Education Code section 44242.3 and amended Education Code section 44244.

New Law: Section 44242.3 mandates that first-time applicants subject to investigation by the Committee of Credentials have an opportunity to respond to the allegations in writing. The Committee is required to grant or recommend denial of an application based on the information obtained during the investigation and the applicant's response. This change in the Committee's procedure allows the first-time applicant one opportunity to provide a written explanation of alleged misconduct, with no right to appear personally before the Committee. Currently, an applicant has two opportunities to submit information to the Committee with a right to an appearance before the Committee. The Commission anticipates savings of approximately \$15,000 per year, and the streamlined process would result in more expeditious processing of applications. In addition, without the additional workload of appearances by first-time applicants, the Committee would be able to review more investigations of first-time applicants every month.

Section 44244 was amended to eliminate the current requirement that, after the Committee conducts an investigation, the notice of the Committee's recommended disciplinary action be sent via registered mail. The California Code of Civil Procedure, section 1013(a), codifies the sending of notices by regular mail, a practice that is followed by other state agencies, as well as by the federal government. This valid form of legal notification will result in savings to the Commission in postage and labor costs of approximately \$11,000 per year.

Technical Changes: The wording in section 80317 was revised to clarify how and when credential applicants and holders may request an administrative hearing. Language describing the administrative hearings, accusations and statements of issue was eliminated, as Government Code sections apply.

Summary of Proposed Changes

80300: Staff is proposing that a definition of first-time applicants be included.

80305: Staff is proposing a new section that outlines jurisdictional requirements and details timelines of the streamlined investigation process for first-time applicants.

80309.1: Staff is proposing that the title be revised to reflect that this section does not pertain to first-time applicants.

80310: Staff is proposing that the title be revised to reflect that this section does not pertain to first-time applicants, and that the language stating that registered mail will be used for notification purposes be deleted.

80311: Staff is proposing that the title be revised to reflect that this section does not pertain to first-time applicants.

80314.5: Staff is proposing that the title be revised to reflect that this section does not pertain to first-time applicants, and that the requirement that registered mail be used for notification purposes be deleted.

80317: Staff is proposing technical clarifications on how credential applicants and holders may request an administrative hearing. Staff is also proposing deleting language that is covered by the Government Code.

Documents Incorporated by Reference: None.

Documents Relied Upon in Preparing Regulations: None.

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate costs to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: \$26,000 per year.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 175900) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Government Code section 11345.3(b)): The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new businesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The proposed amendments to Title 5, California Code of Regulations, only impact the way that the Commission on Teacher Credentialing imposes discipline on credential holders. Thus, there is no impact on small businesses.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Kim Hunter by telephone at (916) 445-0243 or in writing to Kim Hunter, California Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95814. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all of the information on which this proposal is based is available for inspection and copying. Diana Mansker is a back-up contact person, and can be reached at (916) 445-0243.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice; the proposed text of regulations; the initial statement of reasons; a letter received September 27, 2005 from Fabian Nunez, Speaker of the Assembly, and Don Perata, President Pro Tempore of the Senate; and a

letter received September 23, 2005 from Michael Rothschild, Law Offices of Rothschild, Wishek, Chastaine & Sands, on behalf of the California Teachers Association.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's website at www.ctc.ca.gov or a copy may be obtained by contacting Kim Hunter at (916) 445-0243. Diana Mansker is a back-up contact person, and can be reached at (916) 445-0243.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations in underline and strikeout format can be accessed through the Commission's website at www.ctc.ca.gov.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

PROPOSED ADDITIONS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 SECTIONS 80033 AND 80033.1, PERTAINING TO INTERNSHIP CREDENTIALS

NOTICE OF PROPOSED RULEMAKING

The California Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

December 1, 2005

10:00 a.m.

**California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95814**

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action.

The written comment period closes at 5:00 p.m. on November 28, 2005. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at tfesperman@ctc.ca.gov.

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Education Code Section 44225 authorizes the Commission to promulgate rules and regulations which will implement, interpret or make specific Sections 44256 and 44349 of the Education Code and govern the procedures of the Commission.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations. The Commission issues three types of internship credentials: university, district and individualized. All three have the same entrance requirements of a bachelor's degree, passage of the California Basic Education Skills Test (CBEST), subject-matter competence, and enrollment in a Commission-accredited preparation program. While holding the internship credential, the intern serves as teacher of record while simultaneously participating in a teacher preparation program. Internship programs may be one or two years long depending on the requirements the intern must complete. Completion of an internship program results in the issuance of a preliminary or professional clear credential depending upon the program. Internship programs must meet the same procedural and performance standards as other teacher preparation programs. Each internship credential requires an instructional program based on the Commission's Standards of Program Quality and Effectiveness and requires participation in a support, supervision and performance assessment system. Teaching internships are available for multiple subject, single subject and education specialist placements.

Section 80033

- **80033(a)** lists the three types of internship credentials issued by the Commission: university, district, and individualized. Included is the sunset date for the district intern education specialist credentials as found in EC Section 44325(a) and (e).

- **80033(b)** lists the minimum requirements for a university, district or individualized internship credential.
- **80033(c)** provides for support and assistance as found in Title 5 Section 80033.1.
- **80033(d)** describes the validity period of the internship credential as found in EC Sections 44325(b), 44455, and 44456.
- **80033(e)** contains the authorization for the internship credentials as found in EC Sections 44326(a) and 44454 for subsections (1) and (2); Sections 44326(a) and 44454 for subsections (3) and (4); and Sections 44325 and 44454 for subsection (5).
- **80033(f)** the authority to verify requirements for internship credentials appears in Section 44273, based on this authority the Commission requires individuals to obtain verification of completion of course work for the credential by a college or university; the authority of the Committee on Accreditation is found in EC Section 44373(c).

Section 80033.1

- **80033.1(a)** establishes the assistance, guidance, support and supervision of interns as found in EC Sections 44326(e) and 44461.
- **80033.1(b)** contains the plan developed by the intern and the internship program to complete the internship program as found in EC Sections 44457 and 44458.
- **80033.1(c)** lists the Professional Development Plan for the district internship program as found in EC Section 44327.
- **80033.1(d)** contains the plan developed by the intern and the internship program to complete the internship program as found in EC Sections 44457 and 44458.

Documents Incorporated by Reference: None

Documents Relied Upon in Preparing Regulations: None

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private persons or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code § 11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave., Sacramento, CA 95814. General question inquiries may also be directed to Debra Moss at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date

this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) proposes to amend as permanent regulations its existing regulations relating to the Attorney General's supervision of international student exchange visitor placement organizations pursuant to Government Code section 12620 et seq.

PUBLIC COMMENT PERIOD

The Department of Justice will accept written comments presenting statements, arguments or contentions relevant to the proposed regulations for a period of 45 days from the date of publication of this Notice of Proposed Action. The DOJ will not consider any comments which are not received by 5 p.m. on November 29, 2005. No later than 15 days prior to the close of this written comment period, any interested person or his or her duly authorized representative may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Written comments or requests for a public hearing should be addressed to Deputy Attorney General Jeffery M. Ogata, Department of Justice, Office of the Attorney General, P.O. Box 944255, Sacramento, California, 94244-2550.

AUTHORITY AND REFERENCE

The proposed regulations amend sections 351, 357, 371, 376, 377, 378, and 380 of Title 11 of the California Code of Regulations, pursuant to the authority of Government Code section 12627, which specifically authorizes the DOJ to adopt regulations implementing the Article regarding international student exchange visitor placement organizations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 12620 et seq, which became effective in 1994, requires anyone who regularly arranges the placement of foreign exchange students in California elementary, junior high and high schools to register with the Attorney General's Office prior to making the placement.

The proposed amendments modify the existing regulations by updating the contact information and related agency name, detailing the effective dates for annual registration renewals, correcting a spelling error, and clarifying the requirement that prior to being registered under this program a nonprofit organization must first be in compliance with the registration requirements set forth in Government Code section 12580 et seq. (The Supervision of Trustees and Fundraisers for Charitable Purposes Act).

DISCLOSURES REGARDING THE REGULATIONS

Fiscal Impact on Public Agencies: None.

Mandate and cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Cost impact on private persons or directly affected businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic effect directly affecting business including the ability of California businesses to compete with businesses in other States: None.

Effect on small businesses: These changes will affect small businesses that are required to comply with existing law. However, these changes merely amend the addresses and names of the relevant regulatory agencies. There will be no effect on small businesses in general.

Significant effect on housing costs: None.

In accordance with Government Code Section 11346.3, the DOJ has assessed whether and to what extent adoption of the regulations will affect the following:

- (a) The creation or elimination of jobs within the State of California: None.
- (b) The creation of new businesses or the elimination or expansion of existing businesses with the State of California: None.

STATEMENT OF REASONS AND INFORMATION

DOJ has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

Copies of the exact language of the amendments and additions to the regulations, the initial statement of reasons and other information, if any, may be obtained upon request from the Department of Justice, Office of the Attorney General, 1300 I Street, Sacramento, CA 94244-2550, Attn: Jeffery M. Ogata, or by telephoning the contact person listed below.

CONTACT PERSON

General or substantive inquiries concerning the regulatory actions should be directed to Deputy Attorney General Jeffery M. Ogata at the above address or at (916) 327-6820. The backup contact person to whom general inquiries may be directed is Sandy Blazak, Associate Governmental Program Analyst, who may be contacted at the above address or at (916) 327-7882. The backup contact person to whom substantive inquiries may be directed is Supervising Deputy Attorney General Kelvin Gong who may be contacted at 455 Golden Gate Avenue, Suite 11000, San Francisco, California, 94102-7004 or at (415) 703-5510.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

Interested persons are invited to submit written comments on the adoption of the regulations. A public comment period is provided from **October 14, 2005 through November 28, 2005**. Filing of written statements will be accepted at the Department of Justice, Office of the Attorney General (Attention: Jeffery M. Ogata, Deputy Attorney General), 1300 I Street, Sacramento, CA 95814, or by mail addressed to P.O. Box 944255, Sacramento, CA 94244-2550, until the close of business 5:00 p.m. on November 29, 2005. The DOJ will not consider written comments received after **November 29, 2005**.

PROPOSED REVISIONS, FINAL ADOPTION OF REGULATIONS

Following the close of the written comment period, the DOJ may adopt, as final, the regulations as described in this Notice and Informative Digest. Copies of the Regulations, as finally adopted, will be sent to all persons who have requested copies by filing a written request with the contact person identified above. If, as a result of public comments, significant or substantial changes to the proposed regulations are deemed appropriate, copies of the proposed changes will be sent to all persons who previously requested copies, all persons who submitted written comments during the comment period, all persons who submitted oral or written comments at a public hearing if one is held, and those who have requested copies of information regarding the regulations.

Thereafter, DOJ will accept written comments, arguments, evidence and the like for a period of 15 days after the date upon which changes were made available. If adopted, the regulations will appear in the California Code of Regulations, Title 11, Division 1, Chapter 15, sections 351, 357, 371, 376, 377, 378, and 380.

The DOJ must determine that no reasonable alternative considered by it or that has otherwise been identified or brought to the attention of the DOJ would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF MATERIALS ON THE INTERNET

The Notice of Proposed Action, the Initial Statement of Reasons, the Final Statement of Reasons, the text of the proposed regulations, the date a rulemaking action is filed with the Secretary of State, and the effective date of the rulemaking action will all be posted on, and may be downloaded from, the website of the Charitable Trusts Section of the Office of the Attorney General in the DOJ (<http://ag.ca.gov/charities>).

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 205, 7071 and

8586, of said Code, proposes to amend Section 27.82, Title 14, California Code of Regulations, relating to Scorpionfish.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Section 27.82

Existing regulations define sport fishing seasons and depths for California scorpionfish (*Scorpaena guttata*). The proposed regulatory change would expand sport fishing opportunities for California scorpionfish in state waters in the Southern Rockfish and Lingcod Management Area (Point Conception to the US/Mexico border). The increased fishing opportunity is supported by a recently completed stock assessment that shows the stock to be healthy.

Currently, take and possession of California scorpionfish in the Southern Rockfish and Lingcod Management Area is allowed October through December. The Department is proposing to allow California scorpionfish to be taken and possessed whenever recreational groundfish harvest is allowed in that area. All other management measures, such as bag limit and the minimum size will remain the same as current regulations.

The proposed change could lengthen the scorpionfish season by seven months. The result will be a scorpionfish season that is aligned with the season and depths currently established for other groundfish species in the Southern Rockfish and Lingcod Management Area.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Farrand Hall, Museum of Natural History, 2559 Puesta del Sol Road, Santa Barbara, California on Friday, November 4, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The James W. Kellogg Training Center, 935 Detroit Ave., Concord, California, on Friday, December 9, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before December 9, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than December 9, 2005, at the hearing in Concord, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking

file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Becky Ota, Marine Region, Department of Fish and Game, phone (650) 631-6789, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Proposed modifications to the seasonal depth restrictions will likely provide a positive economic benefit by allowing increased fishing opportunities for recreational fishermen.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The proposed regulations will have no impact on the creation of jobs or businesses in the State,

however, they will likely result in expanded business activity and opportunity for existing small businesses that cater to ocean anglers. Direct benefits of business activity and increased revenues would primarily accrue to the 138 commercial passenger fishing vessels (CPFV) in Southern California that reported taking California scorpionfish in 2004 in the Southern Rockfish and Lingcod Management Area. Indirect benefits will be gained by merchants that provide goods and services to recreational anglers using fishing modes other than CPFV.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 8832 of the Fish and Game Code and to implement, interpret or make specific Section 8832 of said Code, proposes to amend Section

119, Title 14, California Code of Regulations, relating to Trawl Nets Inside the Golden Gate Bridge.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations establish the areas, season, and other aspects for commercial trawl nets used inside the Golden Gate Bridge. This fishery targets Bay shrimp (*Crangon* sp) and several species of bait fish, including yellowfin goby, staghorn sculpin, and plainfin midshipman.

Section 119 was added to Title 14, California Code of Regulations (CCR), in 1979 and limited trawl nets to Districts 2, 12, and 13, as did the Fish and Game Code prior to 1979. In 1985, subsection 119(e), Title 14, CCR, was amended to limit trawls to the portions of these districts lying westerly of a projected straight line beginning at Point Edith on the south and extending through Buoy "6" to the shoreline on the north. However, there is a small portion of District 3 from the Carquinez Bridge to the Point Edith-Buoy 6 boundary line that is currently not open to commercial trawl nets.

The proposed regulation change would add District 3 from upstream of the Carquinez Bridge to the current Point Edith-Buoy 6 boundary line to the trawl permit areas, as requested by commercial Bay shrimp trawlers.

This proposed regulation change will permit trawling along the southern shoreline of Carquinez Strait (Contra Costa County), potentially increasing bay shrimp landings some seasons and years.

Plainfin midshipman is proposed to be included in the list of allowable species for this permit, pursuant to Section 8832, Fish and Game Code.

The reference to the Menlo Park office is proposed to be removed, as the office is now closed and this permit is available at all Department offices that issue commercial permits. Other minor changes are also proposed for regulation clarity.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the James W. Kellogg Training Center, 935 Detroit Avenue, Concord, California on December 9, 2005 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before December 2, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 6, 2005. All comments must be received no later than December 9, 2005, at the hearing in Concord, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. **Perry Herrgesell, Chief, Central Valley Bay-Delta Branch, phone (209) 948-3746, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations provide additional commercial fishing areas and opportunity without increasing compliance costs, and thus may increase earnings potential for commercial trawlers and other fishing-related businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses

or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

45-DAY PUBLIC NOTICE AND COMMENT PERIOD

UPA CORRECTIVE ACTION QUALIFICATION REGULATIONS

Department Reference Number: R-97-11

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend California Code of Regulations, title 22, section 67450.7 and adopt sections 68400.11 to 68400.16.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on November 28, 2005 in the Coastal Hearing Room, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant

to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on November 28, 2005 will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA Headquarters Building located at 1001 I Street, Sacramento, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

If you have special accommodation or language needs, please contact Ms. Joan Ferber, Regulations Coordinator, Environmental Analysis and Regulations Section, at (916) 322-6409 or by e-mail at regs@dtsc.ca.gov by November 21, 2005. TTY/TDD users may dial 7-1-1 for the California Relay Service. Speech-to-Speech services are available by calling (800) 735-0373 or via TTY at (800) 735-0193.

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Health and Safety Code section 25150. This section grants DTSC authority to adopt standards dealing with the management of hazardous waste.

Health and Safety Code section 58012. This section grants DTSC authority to adopt regulations.

Health and Safety Code section 25404.1. This section grants DTSC authority to establish criteria and procedures for determining whether a unified program agency is qualified to implement the environmental assessment and corrective action portions of the unified program.

These regulations implement, interpret, or make specific the following:

Health and Safety Code sections 25187 and 25187.1. These sections grant DTSC authority to implement and enforce corrective action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law

Current state law provides authority for DTSC to require or conduct corrective action at hazardous waste facilities. Current state law also requires DTSC to adopt regulations specifying qualifications criteria and a procedure for determining whether unified program agencies (UPAs) are qualified to implement environmental assessment and corrective action at unified program facilities. Currently, an UPA may oversee cleanup of a facility to a limited degree only when the remediation is necessary to address imminent and substantial endangerment in accordance with Health and Safety Code sections 25187 and 25404.1.

Other related existing laws include Health and Safety Code section 25200.3, which requires generators to comply with environmental assessment procedures and remediate any contamination resulting from the release of hazardous waste or constituents from a solid waste management unit or hazardous waste management unit at the generator's facility. Health and Safety Code section 25200.10 specifies that a facility's permit shall require corrective action for all releases of hazardous waste or constituents from a solid waste management unit or hazardous waste management unit at a facility engaged in hazardous waste management. Finally, Health and Safety Code section 25200.14 authorizes DTSC or a qualified unified program agency to require the owner or operator of a facility under the jurisdiction of the unified program agency, or a generator, to complete and file a phase I environmental assessment.

POLICY STATEMENT OVERVIEW

The broad objectives of the proposed regulations are to provide criteria and a process for a unified program agency to demonstrate that it is qualified to conduct or require corrective action consistent with activities required by DTSC and other UPAs throughout the state. The specific objectives are to establish a tiered system of qualifications, allowing UPAs to select the level of qualification best suited to the types of facilities and corrective action they intend to address, and to provide a general procedure for conducting corrective action consistent with the requirements DTSC uses to ensure consistency throughout the state.

PROPOSED REGULATIONS

The proposed regulations would specify qualification criteria for determining whether an UPA is

qualified to conduct environmental assessments and implement corrective action. The proposed regulations would provide a tiered approach. Tier 1 is intended for UPAs that intend to require only simple soil removals. Tier 2 is for the UPA that seeks to require any type of corrective action at any facility under its jurisdiction. In the proposed regulations the qualifications for Tier 2 require more specialized expertise in the areas of engineering, geology and toxicology, as well as more experience than in Tier 1. A unified program agency qualified in Tier 1 may conduct or require corrective action at less complex sites, defined in part as a site at which the selected corrective action alternative is removal and disposal of no more than 60 cubic yards of contaminated soil and the remaining contamination at the site does not pose a significant threat to human health. A unified program agency qualified for Tier 2 may require or undertake corrective action at any facility under its jurisdiction.

The proposed regulations would provide a process whereby an UPA seeking authority for corrective action shall submit specified documentation demonstrating the appropriate qualifications to DTSC. Within a specified timeframe, DTSC would evaluate the UPA application and make a determination regarding the UPA's qualification. At any point in time DTSC may review its determination of an UPA's qualifications and withdraw its determination of qualification if the UPA is not in compliance with the proposed regulations.

The proposed regulations would also specify general provisions for conducting corrective action consistent with requirements DTSC establishes when requiring corrective action. These corrective action provisions are consistent with the corrective action requirements that DTSC specifies in a corrective action agreement or order. The difference in the process for conducting corrective action specified for Tiers 1 and 2 is a streamlined public involvement process for Tier 1 that allows full and meaningful public involvement to take place within the more limited timeframe of a corrective action alternative that specifies soil removal.

The proposed regulations do not affect DTSC's authority to require corrective action and do not change the number or type of sites that may require corrective action. In addition to the statutory authority for corrective action in Health and Safety Code sections 25187 and 25187.1, DTSC is also authorized to require and conduct corrective action pursuant to the federal Resource Conservation and Recovery Act (RCRA). DTSC bases its corrective action requirements on state and federal statutes, regulations and guidance. These requirements are specified for individual facilities, typically in an agreement or order. The proposed regulations are consistent with the

requirements DTSC currently uses for corrective action and the qualifications for the UPAs are based on DTSC's own personnel qualifications. As a result, any corrective action conducted or required by UPAs determined to be qualified by DTSC in accordance with the proposed regulations is intended to be consistent with corrective action conducted or required by DTSC.

In addition, each specific corrective action project is subject to an individual environmental evaluation pursuant to the California Environmental Quality Act, as required by state law and specified in the proposed regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

DTSC has found this rulemaking project to be exempt under CEQA. A draft of the Notice of Exemption is available for review with the rulemaking file and will be filed with the State Clearinghouse when the regulations are adopted.

PEER REVIEW

Under the provisions of Health and Safety code sections 57004 and 25141.2, peer review is not required because the proposed regulations do not establish a regulatory level, standard, or other requirement subject to scientific peer review.

BUSINESS REPORT

DTSC has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c). The proposed regulations may require reports of activities related to corrective action, such as a groundwater monitoring report at sites with groundwater contamination, however, these are not newly required reports. Since the specific corrective action procedures specified in the proposed regulations are consistent with the requirements currently used for corrective action by DTSC, such reports would be also required under the current processes for corrective action.

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: DTSC has made a preliminary determination that adoption of these regulations will create no new local mandates. The regulations provide an opportunity for local UPAs to demonstrate their qualifications to require and implement corrective action at facilities within their jurisdiction, but no mandate is proposed requiring local agencies to assume corrective action authority.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: DTSC has made a preliminary determination that adoption of these regulations will not impose a local mandate or

result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies. The regulations allow local unified program agencies to demonstrate qualifications if they choose to assume authority to require or conduct corrective action, but no mandate is proposed to require local agencies to assume this authority. Any UPA that elects to assume corrective action authority must demonstrate, as part of its qualification, the ability to recover the costs of enforcing environmental assessment and corrective action within its jurisdiction.

Cost or Savings to Any State Agency: DTSC has made a preliminary determination that the proposed regulations are not likely to result in savings and may result in minimal costs and minor losses in revenue to the state.

For any UPA that seeks authority for environmental assessment and corrective action, DTSC will be required to evaluate the UPA qualifications and make a determination regarding the adequacy of those qualifications. This will result in an increase in workload for DTSC, however, the effect of such an increase depends primarily on how many applications are submitted simultaneously. DTSC plans to work with the UPAs to develop training and a model application to ensure the application process operates as smoothly as possible. It is difficult to predict how many UPAs will seek authority for environmental assessment and corrective action, but feedback from workshops and meetings held regarding the proposed regulation concepts indicate less than a dozen UPAs initially may seek to demonstrate full Tier 2 qualifications. DTSC expects more UPAs will seek to demonstrate Tier 1 qualifications initially, perhaps as many as one-third or one-half of the 87 UPAs currently in existence.

Those UPAs that are determined to be qualified to undertake environmental assessment and corrective action will then assume those responsibilities for unified program facilities from DTSC, which currently oversees environmental assessment and corrective action for these UPA facilities in addition to environmental assessment and corrective action at facilities under DTSC's jurisdiction. Because DTSC seeks reimbursement from the facilities for the majority of tasks associated with environmental assessment and corrective action, and because most of the facilities that are likely to be transferred to a qualified UPA are lower priority and currently awaiting action within DTSC's backlog, the net costs or savings to DTSC from the transferred facilities and associated reimbursements are likely to be negligible.

Cost or Savings in Federal Funding to the State: DTSC has made a preliminary determination that the proposed regulations will have no impact on Federal revenue or costs.

Effect on Housing Costs: DTSC has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses: These regulations do not directly impact private persons or businesses and thus DTSC sees no fiscal impact on businesses.

The proposed regulation establishes qualifications for unified program agencies that are the same as DTSC's own personnel qualifications. In addition the proposed regulation specifies general provisions for corrective action consistent with those DTSC imposes on its own corrective action agreements or orders. The proposed regulations do not identify any new sites that may need to undergo corrective action or impose more or less stringent cleanup goals than those currently in use. Any costs arising from corrective action activities performed or required by unified program agencies are expected to be consistent with those costs that would have been incurred in the absence of the proposed regulations when corrective action activities would be performed or required by DTSC. Hence, any potential cost changes associated with the UPA oversight instead of the state conducting corrective action arising from the proposed regulations are expected to be negligible.

In the absence of the proposed regulations, DTSC would perform or require corrective action at the UPA facilities. Because corrective action associated with UPA facilities tends to be smaller and less complex than other facilities under DTSC's jurisdiction, they typically pose less hazard to human health and the environment and are often ranked lower in priority when compared with DTSC's other corrective action responsibilities. Under the proposed regulations, a qualified UPA, which would have fewer corrective action sites than DTSC, might be able to accomplish corrective action more quickly than DTSC, which might result in a cost savings to the facility.

Significant Statewide Adverse Economic Impact on Businesses: DTSC has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Assessment Statement:

- (A) **Creation or elimination of jobs within California**—DTSC has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.

(B) **Creation of new businesses or the elimination of existing businesses within California**—DTSC has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.

(C) **Expansion of businesses currently doing business in California**—DTSC has made a preliminary determination that no businesses in California will be expanded as a result of the proposed regulations.

Effect on Small Businesses: DTSC has determined that provisions of this rulemaking may have an effect on small businesses. Although the proposed regulations do not change the approach currently used for addressing corrective action, the agency requiring or implementing environmental assessment or corrective action may change. Depending upon the workload of the qualified UPA, the implementation of environmental assessment or corrective action may occur more quickly under the proposed regulations.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. DTSC invites interested persons to present arguments, with respect to the various options, at the scheduled hearing, or during the written comment period.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons and the text of the proposed regulations are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Ms. Joan Ferber of DTSC's Environmental Analysis and Regulations Section as specified below. The information upon which DTSC relied is also available at the address listed below.

POST-HEARING CHANGES

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, submit written or oral comments or otherwise attend the hearing will be sent a copy of the modified text, if substantive changes are made.

Once regulations have been adopted, DTSC prepares a Final Statement of Reasons, which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other materials, as

required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Joan Ferber at the address listed below. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <http://www.dtsc.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulations may be directed to Ms. Nancy Ostrom of DTSC at (916) 324-3385 or, if unavailable, to Mr. Karl Palmer of DTSC at (915) 445-2625. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please leave a message on the DTSC mailing list phone line at (916) 324-9933, submit an e-mail message to regs@dtsc.ca.gov, or submit a message to the listserv for these proposed regulations at www.calepa.ca.gov/Listservs/dtsc.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Joan Ferber, Regulations
Coordinator
Environmental Analysis and
Regulations Section
Department of Toxic
Substances Control

Mailing Address: P.O. Box 806
Sacramento, CA 95812-0806

E-mail Address: regs@dtsc.ca.gov

Fax Number: (916) 323-3215

Ms. Ferber's phone number is (916) 322-6409. If Ms. Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

TITLE 22. EMPLOYMENT TRAINING PANEL

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Employment Training Panel (Panel) proposes to amend Section 4448 in Title 22 of the California Code of Regulations. This regulation sets forth the Panel's procedures and standards for conducting audits. The

Initial Statement of Reasons and Express Text of the proposed amendment are accessible through the *What's New* link on the Home Page of the ETP website (www.etp.ca.gov).

AUTHORITY AND REFERENCE

The Panel's rulemaking authority is set forth at Section 10205(m) of the Unemployment Insurance (U.I.) Code. Like the current regulation, the proposed amendment would implement, interpret and make specific Section 10205(g) of the U.I. Code.

INFORMATIVE DIGEST

Under existing law, the Panel must ensure the provision of adequate fiscal and accounting controls, including audits, for the expenditure of ETP funds. (U.I. Code Section 10205(g).) The proposed amendment would implement the statutory requirements and clarify that ETP auditors follow the Generally Accepted Government Auditing Standards (GAGAS) promulgated by the federal General Accounting Office. [Note: Currently, GAGAS is referenced in Section 5 of the standard ETP Agreement.]

GAGAS incorporates Generally Accepted Accounting Principles (GAAP) from the private sector and recognizes the validity of statistical sampling. The proposed amendment directs the public to the online publication of GAGAS at www.gao.gov.

The proposed amendment would set forth a protocol for notifying contractors when the results of sampling are used to extrapolate the amount of an overpayment. The amendment would also implement the standard set forth in GAGAS for reliance on the professional judgment of the auditor.

No documents would be incorporated-by-reference in this proposed amendment.

FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures required by Section 11346.2 of the Government Code.

A. Fiscal Impact. The Panel has made an initial determination that the proposed amendment does not impose costs or savings requiring reimbursement under Section 17500 *et seq.* of the Government Code. Furthermore, this action does not impose non-discretionary costs or savings to any local agency; nor does it impact federal funding for the State.

The Panel has made an initial determination that the proposed amendment does not impose costs or savings to any State agency pursuant to Section 11346.1(b) or 11346.5(a)(6) of the Government Code. Furthermore, there are no fiscal impact disclosures required by State Administrative Manual sections 6600–6670.

B. Cost Impacts. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable com-

pliance with the proposed action. The same determination applies to housing costs. This action would clarify the Panel's standards for reviewing and funding training proposals. Thus, the costs incurred in submitting such proposals should be reduced, if anything.

C. Adverse Impact on Business. The Panel has made an initial determination that the proposed amendment does not have any significant, statewide adverse economic impact directly affecting business, including the ability to compete. Indeed, the overall purpose of the Panel's program is to enhance the ability of California businesses to meet the challenge of competition from other states.

D. Effect on Small Business. The Panel has determined that the proposed amendment does not affect small businesses unless they seek training funds. Since this action would clarify and simplify the Panel's standards for reviewing and funding training proposals, this would be a positive effect.

E. Effect on Jobs and Business Expansion. The Panel has made an initial determination that the proposed amendment would not create or eliminate jobs in California. Nor would it create new businesses or eliminate existing businesses in California. The Panel has made an initial determination that this action would not directly affect the expansion of businesses currently operating in California.

Nevertheless, the overall intent and purpose of the ETP program is to foster job creation and the retention of high-wage, high-skilled jobs that are threatened by out-of-state competition. (U.I. Code section 10200(a).) The Panel must give funding priority to projects that would train new employees of firms locating or expanding in the state; train displaced workers, and develop workers with skills that prepare them for the challenges of a high performance workplace of the future. (U.I. Code section 10200(b).) Thus, the Panel has made an initial determination that the proposed amendment may encourage the retention of jobs and businesses in California, in the sense that it would enhance the Panel's ability to implement the purpose of the ETP program.

F. Imposed Mandate. The Panel has made an initial determination that the proposed amendment action does not impose a mandate on local agencies or school districts.

REASONABLE ALTERNATIVES

The Panel has made an initial determination that there is no reasonable alternative to the proposed amendment that would be more effective in carrying out its purpose, or would be as effective and less burdensome to affected private parties. Interested persons are welcome to identify reasonable alternatives during the written comment period.

WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on October 14, 2005 and ending at 5:00 p.m. on November 28, 2005. Any interested person, or his or her authorized representative, may present written comments on the proposed amendment within that time period. Comments should be sent to:

Margie Miramontes
Employment Training Panel, Legal Unit
1100 "J" Street, Fourth Floor
Sacramento, CA 95814
Telephone: (916) 327-5252
E-Mail: mmiramontes@etp.ca.gov
FAX: (916) 327-5268

PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to Ms. Miramontes at the address shown above no later than 5:00 p.m. on November 13, 2005. The request should identify the specific regulatory action for which the hearing is requested.

MODIFICATIONS

Modifications to the text of the proposed regulatory amendment may be made after the public comment period. If so, they will be posted on the ETP Website at www.etp.ca.gov. They will also be available upon request to Ms. Miramontes. Said modifications will be open to public comment for at least 15 days before their adoption, as noticed on the ETP Website.

AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed amendment, and has compiled all information on which the action was based. This statement, along with the express text of the proposed amendment and the written information on which it was based, are available for inspection at the address shown above. Any inquiries should be directed to Ms. Miramontes.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection at the written comment address shown above.

This Notice of Proposed Rulemaking is posted on the ETP Website at www.etp.ca.gov. The Initial Statement of Reasons and the express text of the proposed action are also posted on the ETP Website. When the Final Statement of Reasons is prepared, it will be posted on the ETP Website.

CONTACT PERSONS

Requests for copies of the express text of this proposed amendment and the modified text (if any),

and the Initial Statement of Reasons, should be directed to Ms. Miramontes using the contact information shown above. In addition, the "rulemaking file" of written information on which the proposed amendment is based is available for inspection through Ms. Miramontes.

In the event Ms. Miramontes is unavailable, inquiries regarding the proposed regulatory actions should be directed to Staff Counsel Maureen Reilly at the same address or by phone at (916) 327-5422 or email at mreilly@etp.ca.gov.

TITLE 25. CALIFORNIA HOUSING FINANCE AGENCY

NOTICE IS HEREBY GIVEN that the California Housing Finance Agency ("Agency") intends to amend its Conflict of Interest Code pursuant to Government Code Sections 87300-87302 and 87306. Pursuant to Government Code Section 87302, the Conflict of Interest Code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

The Agency is amending its Conflict of Interest Code to: (1) include new positions; (2) revise disclosure categories; (3) revise the titles of existing positions; (4) add, delete, or rename Agency divisions; (5) modify provisions of the code; and, (6) delete titles of positions that have been abolished, reclassified, or are no longer "designated employees."

A written comment period has been established commencing on October 14, 2005 and ending on December 13, 2005. Any interested person may present written comments concerning the proposed amendments to the Conflict of Interest Code no later than December 13, 2005 to Misty Miller, Senior Legal Analyst, Regulations Coordinator, California Housing Finance Agency, 1415 L Street, Ste. 500, Sacramento, California 95814; mmiller@calhfa.ca.gov; (916) 445-0178. No public hearing on the matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.

The Agency has prepared a written explanation of the reasons for the proposed amendments and has available all of the information upon which its proposal is based. Copies of the proposed amendment, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting Misty Miller at the address or phone number shown above.

The Agency has determined that the adoption of the proposed amendments will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

The Agency has determined that no alternative considered by the Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION FISH AND GAME CODE SECTION 2080.1 CESA NO. 2080-2005-022-03

Project: DOT Pipeline Integrity Management Program "Line 200" Repairs, Round Valley and Brushy Peak Area
Location: Contra Costa County
Notifier: ConocoPhillips Pipeline Company

BACKGROUND

The proposed project is located along ConocoPhillips Pipeline Company's ("ConocoPhillips") Line 200 oil and gas pipeline in the Round Valley and Brushy Peak areas, Contra Costa County, California. The proposed project will involve maintenance and emergency repair activities to existing oil and gas pipelines at 23 sites ("Project"). Activities include the use of a "smart pig" device to identify areas of weakness or corrosion in the pipeline that ConocoPhillips would then excavate and repair. These disturbed sites will be recontoured to pre-project conditions and reseeded with an approved native grassland seed mix. Implementation of the proposed Project will result in impacts to approximately 1.7 acres of grasslands which provide suitable habitat for the San Joaquin kit fox (*Vulpes macrotis mutica*) and Alameda whipsnake (*Masticophis lateralis*). Both the San Joaquin kit fox and the Alameda whipsnake are listed as threatened under the California Endangered Species Act, Fish and Game Code section 2050 *et seq.* ("CESA").

The extent of area which will be disturbed by repair activities at each of the 23 sites was estimated by ConocoPhillips and includes all areas believed to be necessary to repair the particular anomaly plus an overage to account for unforeseen disturbances that slightly exceed those expectations for each repair. Disturbance areas include access routes, side-cast areas, and equipment staging areas. Project impacts will be compensated either by purchase of interim credits from the East Contra Costa Habitat Conservation Plan/Natural Communities Conservation Plan ("HCP/NCCP") or by conservation of suitable acreage at a ratio of 1.1 acres conserved for every acre impacted, at a Department of Fish and Game ("DFG") and U.S. Fish and Wildlife Service ("Service") approved conservation bank. Alternatively, as approved by the Service and DFG, the applicant may provide for the conservation and management in perpetuity of suitable habitat within two years of commencement of the repair work. Final habitat compensation will be based on the area actually affected using information gathered after the repairs are completed.

Because of the Project's potential to take species protected by the federal Endangered Species Act, on August 22, 2005, the Service issued Biological Opinion No. 1-1-05-F-0203 for the proposed Project, describing the Project actions and setting forth measures to mitigate impacts to the San Joaquin kit fox and Alameda whipsnake and their habitats. On August 25, 2005, the Director of DFG received a notice from Geoff Monk, representing ConocoPhillips, requesting a determination pursuant to Section 2080.1 of the Fish and Game Code that the federal Biological Opinion is consistent with CESA.

DETERMINATION

After reviewing the terms and conditions in the federal Biological Opinion No. 1-1-05-F-0203, DFG has determined that the Biological Opinion is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Important to DFG's findings are several measures from the Biological Opinion, which address expected or potential impacts to San Joaquin kit fox and Alameda whipsnake. These include, but are not limited to, the following:

1. ConocoPhillips will compensate for impacts to approximately 1.7 acres of grasslands which provide suitable habitat for the San Joaquin kit fox and Alameda whipsnake either through the purchase of interim credits from the East Contra Costa HCP/NCCP, or by conserving suitable acreage at a 1.1:1 ratio (for each acre impacted, 1.1 acre will be

conserved) at a DFG and Service approved conservation bank. Alternatively, as approved by the Service and DFG, the applicant may provide for the conservation and management in perpetuity of suitable habitat at a ratio of 1.1:1 (for each acre impacted, 1.1 acre will be conserved.)

2. ConocoPhillips will implement conservation measures identified in the Service's *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance*.
3. ConocoPhillips will implement preconstruction surveys and other avoidance measures to minimize the possibility of direct take of San Joaquin kit fox and Alameda whipsnake.
4. ConocoPhillips will minimize the area of disturbance at each repair site and clearly delineate the limits of disturbance with fencing or flagged stakes.
5. A qualified biologist will be on site during all repair work.
6. Any installed erosion control material will not include plastic netting.

Pursuant to section 2080.1 of the Fish and Game Code, authorization under CESA will not be required for incidental take of San Joaquin kit fox and Alameda whipsnake that may occur as a result of the Project, provided ConocoPhillips implements the Project as described in the Biological Opinion. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Biological Opinion, ConocoPhillips will be required to obtain a new consistency determination or a CESA incidental take permit from DFG for any incidental take of these species.

Although not a condition of the Biological Opinion or this Consistency Determination, DFG requests that copies of the annual or periodic monitoring reports, or other circulated materials relevant to the Project's effects on San Joaquin kit fox, be submitted to DFG's Central Coast Regional Office, P.O. Box 47, Yountville, CA 94599.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Lower Northwest Interceptor Program Sacramento and Yolo County

The Department of Fish and Game ("Department") received a notice on September 30, 2005 that the Sacramento Regional County Sanitation District ("SRCSD") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project

consists of the construction of about 20 miles of wastewater conveyance infrastructure and related facilities in Sacramento and Yolo Counties. The activities will require trenching of sufficient width to accommodate the pipes along the entire alignment, which will result in temporary impacts to 75.46 acres and permanent impacts to 6.86 acres of giant garter snake (*Thamnophis gigas*) habitat.

The U.S. Fish and Wildlife Service ("Service"), on September 10, 2004, issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (1-1-04-F-0029) which considers the Federally and State threatened giant garter snake and authorizes incidental take. Subsequently, SRCSD modified the project description such that the Service issued amendments to the biological opinion on July 21, 2005 (1-1-05-F-0198) and September 16, 2005 (1-1-05-F-0253).

Pursuant to California Fish and Game Code Section 2080.1, SRCSD is requesting a determination that amendments 1-1-05-F-0198 and 1-1-05-F-0253 to biological opinion 1-1-04-F-0029 are consistent with CESA. If the Department determines that the project, as amended, is consistent with CESA, SRCSD will not be required to obtain an incidental take permit for the proposed project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR OWD Recycled Water Pipeline, Reservoir, and Pump Station Project San Diego County

The Department of Fish and Game (Department) received notice on September 28, 2005 that the Otay Water District (OWD) proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the installation of 28,000 feet of 30-inch pipeline, construction of a 12.0-million gallon reservoir and access roads, and construction of a pump station adjacent to the reservoir. The project will result in temporary impacts to 32.92 acres and permanent impacts to 5.10 acres in the cities of San Diego and Chula Vista, San Diego County.

The U.S. Fish and Wildlife Service, on September 19, 2005, issued to the U.S. Bureau of Reclamation (BOR), a no jeopardy federal biological opinion (FWS-SDG-4253.3) which considers the Federally threatened and State endangered Otay tarplant (*Deinandra conjugens*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, OWD is requesting a determination that biological opinion FWS-SDG-4253.3 is consistent with CESA. If the Department determines that the

federal biological opinion is consistent with CESA, OWD will not be required to obtain an incidental take permit for the proposed project.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1
CESA No. 2080-2005-023-02

PROJECT: State Route (SR) 70/Algodon Road Interchange Project

LOCATION: Yuba County

NOTIFIER: Jones & Stokes, on behalf of Yuba County

BACKGROUND

The proposed SR 70/Algodon Road Interchange Project in Yuba County, California (Project) involves the realignment of Algodon Road and the construction of an interchange at Algodon Road's junction with State Route (SR) 70. The activities will result in temporary impacts to 21.07 acres and permanent impacts to 21.56 acres of giant garter snake (*Thamnophis gigas*) habitat.

Because of the project's potential to take the federally-listed threatened giant garter snake, the Federal Highway Administration (FHWA) consulted with the U.S. Fish and Wildlife Service ("Service"), as required by the Endangered Species Act ("ESA") (16 U.S.C. § 1531 et seq.). On September 13, 2004, the Service issued Biological Opinion No. 1-1-03-F-0202 for the Project, which describes project actions and sets forth measures to mitigate impacts to the giant garter snake and its habitat. On December 10, 2004, the Service issued amendment No. 1-1-05-F-0019 for the Project, which revised the project description and the conservation measures. The giant garter snake is also listed as a threatened species under the California Endangered Species Act, Fish and Game Code Sections 2050 et seq. ("CESA"). On August 26, 2005, the Director of the Department of Fish and Game ("DFG") received a notice from Jones & Stokes on behalf of the applicant, Yuba County, pursuant to Fish and Game Code section 2080.1, requesting a determination that the Federal Biological Opinion, including the Amendment (hereafter, "BO"), is consistent with CESA.

DETERMINATION

Based on the terms and conditions in the BO, DFG has determined that the project is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) for authorization

of incidental take of species protected under CESA. DFG specifically finds that the measures identified in the BO will minimize and fully mitigate the project's potential impacts on the giant garter snake. These measures include, but are not limited to, the following:

1. Yuba County will conduct project activities between May 1 and October 1 in order to reduce the probability of harming giant garter snakes.
2. Yuba County will restore the 14.52 acres affected by canal realignment to preconstruction conditions.
3. Yuba County has compensated for permanent impacts to 21.56 acres of giant garter snake habitat through the purchase of 40.12 acres of giant garter snake habitat conservation credits at the Dolan Ranch Conservation Bank (14.30 acres) and the Gilsizer Slough Mitigation Site (25.82 acres).

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of giant garter snake for the project, provided that Yuba County implements the project as described in the BO and complies with the mitigation measures and other conditions described therein. If there are any substantive changes to the project, including changes to the mitigation measures, or if the Service amends or replaces the BO, Yuba County will be required to obtain a new consistency determination or a CESA incidental take permit from DFG.

DEPARTMENT OF FISH AND GAME

POTENTIAL TAKE OF FULLY PROTECTED SPECIES

The Department of Fish and Game (Department) proposes to enter into a Memorandum of Understanding (MOU) with the Bighorn Institute (BHI). That MOU would authorize the BHI to undertake activities in the Santa Rosa and San Jacinto Mountains which would constitute "take" of Peninsular bighorn sheep (PBS) for necessary scientific purposes. The MOU would provide authorization to take sheep under sections 2081 and 4700 of the Fish and Game Code. Most activities would be carried out solely by the BHI, but the Department would work with the BHI to capture, mark, and release PBS to place and/or repair their radio-collars.

The proposed MOU lists management goals for PBS: to improve the status of PBS in California, maintain and improve PBS habitat wherever possible, and reestablish PBS populations on historic ranges where feasible. Under the MOU, the BHI will conduct

the following activities, for scientific purposes, including recovery purposes, which will result in the take of PBS:

1. When possible, retrieve PBS carcasses for diagnostic purposes;
2. On an emergency basis, and with consent of the Department, capture PBS in potentially dangerous areas, or severely ill or injured PBS;
3. On an emergency basis, and after consultation with a Department-approved veterinarian, consider euthanasia of moribund or severely injured PBS;
4. Maintain a captive herd of PBS, with production of animals for reintroduction mutually agreed upon by the Department; and
5. As agreed upon with the Department, release live PBS into the northern Santa Rosa Mountains and/or the San Jacinto Mountains.

The Department and BHI will conduct other activities under the MOU that will not result in take, including funding and soliciting funding to study PBS demographics, habitat use, and general ecology, undertake helicopter surveys, and radio monitor collared PBS.

Peninsular bighorn sheep are federally and state listed, and are a fully protected mammal under state law. If the project is approved, it will be carried out in compliance with state and federal law. Pursuant to Fish and Game Code section 4700, the Department may authorize take of a fully protected mammal for necessary scientific research after 30 days notice to affected parties through publication of this notice. The Department also has authority to take mammals for scientific purposes (Fish and Game Code section 1001.) After 30 days, the Department will consider any public comments received and decide whether to authorize the take of PBS for scientific purposes, including recovery purposes, as described in this notice. Public comments should be addressed to the Department of Fish and Game, 407 West Line Street, Bishop, CA 93514, Attn: Dr. Vern Bleich.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its September 30, 2005, meeting in Susanville, accepted for consideration the petition submitted by the Department of Fish and Game to remove the Siskiyou Mountains salamander (*Plethodon stormi*) from the Threatened Species List. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species for delisting as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the September 30, 2005, Commission meeting, are on file and available for public review from Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE TO INTERESTED PARTIES

ANNOUNCEMENT OF PUBLIC COMMENT PERIOD

Public comments on the Child-Specific Reference Dose (chRD) for Cadmium, Chlordane, Heptachlor/Heptachlor Epoxide, Methoxychlor, and Nickel for use in Assessing Health Risks at existing and proposed School Sites

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available for review and comment the Draft Final Report "Development of Health Criteria for School Site Risk Assessment Pursuant to Health and Safety Code (HSC) Section 901(g): PROPOSED CHILD-SPECIFIC REFERENCE DOSE (chRD) FOR SCHOOL SITE RISK ASSESSMENT—cadmium, chlordane, heptachlor/heptachlor epoxide, methoxychlor, and nickel." HSC § 901(g) requires the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the appropriate entities within the California Environmental Protection Agency, to identify those chemical contaminants commonly found at school sites and determined by OEHHA to be of greatest concern based on child-specific physiological sensitivities. HSC § 901(g) also requires OEHHA to annually evaluate and publish, as appropriate, numerical health guidance values or chRDs for those chemical contaminants until the contaminants identified have been exhausted. ChRDs for the aforementioned chemicals are being considered at this time.

This public review and comment period follows the requirements set forth in Health and Safety Code Section 57003 for receiving public input. OEHHA has reviewed comments from an external peer review panel assembled by the Office of the President, University of California, and other interested parties in

developing the final draft document. OEHHA requests that comments on this draft final report be delivered to OEHHA by 5:00 p.m. November 14, 2005.

If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below. Written requests or comments should be addressed to:

Mr. Leon Surgeon
Integrated Risk Assessment Section
Office of Environmental Health Hazard Assessment
P.O. Box 4010
1001 I Street
Sacramento, California 95812-4010
FAX: (916) 322-9705

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EQUALIZATION

Records—Sales and Use Tax

In this regulatory action, the Board of Equalization amends a regulation pertaining to records that must be maintained by taxpayers under the Sales and Use Tax Law, primarily to reflect the extended ten year statute of limitations under Revenue and Taxation Code section 7073(d).

Title 18
California Code of Regulations
AMEND : 1698
Filed 10/04/05
Effective 11/03/05
Agency Contact: Diane G. Olson (916) 322-9569

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Research, Development, and Demonstration Permit Regulations

This regulatory action provides for more flexibility in Research, Development and Demonstration Permits in compliance with federal regulations.

Title 27
California Code of Regulations
ADOPT : 20070, 21569, 21835

Filed 09/29/05
Effective 09/29/05
Agency Contact:
Deborah Borzelleri (916) 255-2194

DENTAL BOARD OF CALIFORNIA Approval of Radiation Safety Courses

Title 16
California Code of Regulations
AMEND : 1014, 1014.1
Filed 10/05/05
Effective 11/04/05
Agency Contact: Richard DeCuir (916) 263-2300

DEPARTMENT OF CORPORATIONS Entity Conversion Transactions

In this regulatory action, the Department of Corporations amends a regulation under the Corporate Securities Law of 1968 pertaining to the "Application for Qualification of Recapitalizations and Reorganizations."

Title 10
California Code of Regulations
AMEND : 260.121
Filed 09/28/05
Effective 10/28/05
Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF FOOD AND AGRICULTURE Diaprepes Abbreviatus Eradication Area

This emergency regulatory action will establish Orange County as an eradication area for Diaprepes abbreviatus (West Indian sugarcane root borer or Diaprepes root beetle).

Title 3
California Code of Regulations
ADOPT : 3591.19
Filed 09/28/05
Effective 09/28/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action will establish approximately three square miles surrounding Newport Beach in Orange County as an interior quarantine area for Diaprepes abbreviatus (Diaprepes root weevil).

Title 3
California Code of Regulations
AMEND : 3433
Filed 10/03/05
Effective 10/03/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
South American Spongeplant Eradication Area

This filing is a certificate of compliance for an emergency filing which established Shasta County as an eradication area with respect to South American spongeplant.

Title 3
California Code of Regulations
ADOPT : 3963
Filed 10/04/05
Effective 10/04/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INDUSTRIAL RELATIONS
Workers' Compensation—Official Medical Fee Schedule

Labor Code § 5307.1(k) requires that for the Calendar Years 2004 and 2005 the maximum reimbursable fees set forth in the existing Official Medical Fee Schedule for physician services must be reduced by five (5) percent. While the Administrative Director has discretion to reduce the fees for individual medical procedures by amounts different than five percent, in no event can the fee for a procedure be reduced to an amount that is less than that paid by the current Medicare payment system for the same procedure. The pre-existing section 9789.11 of title 8 of the California Code of Regulations implements Labor Code section 5307.1 and in Table A sets forth the maximum fees for physician services rendered after July 1, 2004. This filing is a certificate of compliance for a subsequent emergency regulatory action and its readoption. The emergency regulatory action added a new Table A to section 9789.11 which included revisions and corrections to the prior physician fee schedule for services rendered after January 14, 2004. The readopted emergency regulatory action adopted another Table A to section 9789.11 which includes revisions and corrections to the prior physician fee schedules for services rendered on or after May 14, 2005.

Title 8
California Code of Regulations
AMEND : 9789.11
Filed 09/29/05
Effective 09/29/05
Agency Contact:
Richard Starkeson (415) 703-4260

DEPARTMENT OF INSURANCE
Registered Domestic Partners Portfolio of Endorsements and Forms

This regulatory action is to revise the California Automobile Assigned Risk Plan-Plan of Operations, Portfolio of Endorsements and Forms to reflect the mandates of Insurance Code § 381.5 as part of the California Insurance Equality Act. The Act requires

every policy to provide coverage for a registered domestic partner of the insured that is equal to, and subject to the same terms and conditions as the coverage provided to a spouse of an insured.

Title 10
California Code of Regulations
AMEND : 2498.4.9
Filed 09/28/05
Effective 10/28/05
Agency Contact: Mike Riordan (415) 538-4226

DEPARTMENT OF SOCIAL SERVICES
CCL Adult Residential Facilities Waivers and Exceptions

This proposed regulatory action amends provisions dealing with permitted use of postural supports and establishes the criteria for the retention of persons who are over 59 years of age for residing in an Adult Residential Facility without first obtaining a Department approved exception.

Title 22
California Code of Regulations
AMEND : 80072(a)(8), 85068.4
Filed 10/04/05
Effective 11/03/05
Agency Contact: Alison Garcia (916) 657-2586

FISH AND GAME COMMISSION
Waterfowl Hunting and Shooting Hours

This regulatory action revises the migratory waterfowl regulations for the upcoming season and in the Morro Bay area moves its special beginning of shooting time up from 8:00 a.m. to 7:00 a.m.

Title 14
California Code of Regulations
AMEND : 502, 506
Filed 09/30/05
Effective 09/30/05
Agency Contact: Sherrie Koell (916) 653-4899

STATE WATER RESOURCES CONTROL BOARD
Policy for Regulation of Discharge of Municipal Solid Waste

This regulatory action is to amend a state policy for water quality control that adds certain federal requirements to the existing requirements for municipal solid waste landfills, whereby an "approved" state can issue "Research, Development and Demonstration" permits to landfill operators. These permits allow temporary variances from certain requirements, for the purpose of developing and demonstrating new technologies for advanced landfill operation methods.

Title 23
California Code of Regulations
AMEND : 2908

Filed 10/04/05
 Effective 10/04/05
 Agency Contact: Joseph Mello (916) 341-5622

STATE WATER RESOURCES CONTROL BOARD
 Amendment to Summarize Existing Antidegradation Policies

This action is the State Water Resources Control Board's approval of nonsubstantive amendments to the North Coast Regional Water Quality Control Board's Water Quality Control Plan adding language summarizing existing state and federal antidegradation policies.

Title 23
 California Code of Regulations
 AMEND : 3900
 Filed 10/03/05
 Effective 10/03/05
 Agency Contact: Joanna Jensen (916) 657-1036

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN MAY 11, 2005 TO
 OCTOBER 5, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284
 09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000
 09/13/05 AMEND: 18730
 09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
 09/06/05 ADOPT: 1183.12, 1183.13, 1183.14
 AMEND: 1181, 1181.1, 181.2, 1181.3,
 1183, 1183.01, 1183.02, 1183.03,
 1183.04, 183.05, 1183.06, 1183.07,
 1183.08, 1183.1, 1183.11, 1183.12, 183.2,
 1183.21, 1183.3, 1187, 1187.2, 1187.3,
 1187.4, 188.1, 188.3, 1188.4,
 08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000
 08/15/05 AMEND: 51000
 08/09/05 ADOPT: 59520
 08/04/05 AMEND: 2271
 07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000
 07/20/05 ADOPT: 18530.7
 07/20/05 AMEND: 18570
 07/18/05 AMEND: 18452
 07/18/05 AMEND: 55400

07/06/05 AMEND: 7286.0
 06/24/05 AMEND: 599.502, 599.506
 06/21/05 AMEND: 18705.5
 06/16/05 AMEND: Div. 8, Ch. 4, section 25001
 06/14/05 ADOPT: 18750.2, 18755 AMEND:
 18702.4
 05/31/05 ADOPT: 1859.300, 1859.301, 1859.302,
 1859.310, 1859.311, 1859.312, 1859.313,
 1859.314, 1859.315, 1859.316, 1859.317,
 1859.318, 1859.319, 1859.320 1859.321,
 1859.322, 1859.323, 1859.323.1,
 1859.323.2, 1859.324, 1859.325,
 1859.326, 1859.327, 1859.328, 185
 05/27/05 AMEND: 20107
 05/27/05 AMEND: 1859.2
 05/26/05 ADOPT: 18465.1
 05/26/05 AMEND: 1859.2, 1859.81, 1866
 05/24/05 ADOPT: 1859.23 AMEND: 1859.2,
 1859.122, 1859.123, 1859.123.1
 05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND:
 1859.2, 1859.73.2, 1859.79.2, 1859.82,
 1859.83, 1859.125, 1859.125.1,
 1859.145, 1859.163.1, 1859.164.2

Title 3

10/04/05 ADOPT: 3963
 10/03/05 AMEND: 3433
 09/28/05 ADOPT: 3591.19
 09/27/05 AMEND: 3700(c)
 09/16/05 ADOPT: 581
 08/12/05 AMEND: 3700(c)
 08/08/05 ADOPT: 1811, 1812, 1850 AMEND:
 1804, 1806, 1808, 1831, 1930, 1931,
 1932, 1940, 1941, 1942, 1943, 1944,
 1945, 1946, 1950 REPEAL: 1809, 1810,
 1851, 1851.1, 1870.1, 1870.2, 1871,
 1872, 1873, 1951, 1960, 1961
 07/21/05 AMEND: 6400
 07/11/05 AMEND: 3423(b)
 07/01/05 AMEND: 2311(b)
 06/27/05 ADOPT: 3591.18
 06/22/05 AMEND: 3430(b)
 06/09/05 ADOPT: 3700
 06/03/05 ADOPT: 3963
 05/23/05 AMEND: 3636(a)(c)
 05/16/05 AMEND: 6388

Title 4

09/13/05 ADOPT: 1843.6
 09/12/05 AMEND: 4140
 08/24/05 AMEND: 1663
 08/17/05 AMEND: 1976.9
 08/08/05 AMEND: 1887
 06/27/05 ADOPT: 10175, 10176, 10177, 10178,
 10179, 10180, 10181, 10182, 10183,
 10184, 10185, 10186, 10187, 10188,
 10189, 10190, 10191

05/26/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046 7047, 7048, 7049, 7050

Title 5

09/01/05 REPEAL: 1630
 08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858 859, 861, 862, 863, 864, 864.5, 865, 866, 867, 867.5, 868870
 08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203, 1204.5, 1206, 1207, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, 1217, 1225
 08/01/05 ADOPT: 15140, 15141
 07/28/05 ADOPT: 1030.5, 1030.6, 1030.7, 1030.8
 07/12/05 AMEND: 22000
 06/23/05 ADOPT: 11992, 11993, 11994
 06/22/05 ADOPT: 11967.6, 11967.7, 11967.8 AMEND: 11967, 11968, 11969
 06/20/05 ADOPT: 19817.1, 19826.1, 19828.1, 19837 AMEND: 19813, 19814, 19814.1, 19817, 19826, 19828
 06/09/05 ADOPT: 11511.6, 11516.6, 11516.7, 11517.5 AMEND: 11510, 11511, 11515.5, 11512, 11512.5, 11513, 11513.5, 11514, 11516, 11516.5, 11517
 06/08/05 ADOPT: 17101 AMEND: 9531
 06/01/05 AMEND: 41500, 41503, 41504, 41505
 05/26/05 AMEND: 80413
 05/26/05 AMEND: 30060

Title 8

09/29/05 AMEND: 9789.11
 09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10 REPEAL: 9792.11
 09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15
 08/25/05 AMEND: 6184
 08/22/05 ADOPT: 3395
 08/10/05 AMEND: 8615
 08/09/05 AMEND: 6251
 08/02/05 AMEND: 770
 08/02/05 ADOPT: 5022.1 AMEND: 4968
 07/28/05 AMEND: 1529, 1535, 5190, 5210, and 8358
 06/28/05 AMEND: 3541, 3542, 3543, 3544, 3545, 3546, 3548, 3549
 06/20/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14
 06/20/05 AMEND: 3649, 3651(a)
 06/15/05 AMEND: 1670(b)(11)(B)
 06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725, 9726, 9727, 9785, 9785.2, 9785.3, 9805,

10150, 10152, 10156, 10158, 10160, 10161, 10163, 10165.5 REPEAL: 10151, 10154

06/10/05 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4, 9768.5, 9768.6, 9768.7, 9768.8, 9768.9, 9768.10, 9768.11, 9768.12, 9768.13, 9768.14, 9768.15, 9768.16, 9768.17
 06/06/05 ADOPT: 10133.50, 10133.51, 10133.52, 10133.53, 10133.54, 10133.55, 10133.56, 10133.57, 10133.58, 10133.59, 10133.60
 05/31/05 ADOPT: 32032, 32033, 32034, 32035, 32606, 32607, 32608, 32609, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81
 05/24/05 AMEND: 3999
 05/12/05 AMEND: 9789.11

Title 10

09/28/05 AMEND: 2498.4.9
 09/28/05 AMEND: 260.121
 07/07/05 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5268,
 06/30/05 AMEND: 2699.6600, 2699.6809
 06/23/05 AMEND: 2498.6
 06/22/05 AMEND: 260.102.14
 06/03/05 AMEND: 2698.61, 2698.62
 06/03/05 AMEND: 2698.70, 2698.71

Title 11

08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
 08/22/05 AMEND: 1001, 1002, 1007
 08/12/05 AMEND: 1005, 1060
 08/01/05 AMEND: 1005, 1014
 07/28/05 ADOPT: 720, 721, 722, 723, 724,
 06/24/05 AMEND: 63.2
 06/15/05 AMEND: 1005, 1007, 1008
 06/15/05 AMEND: 1053
 06/13/05 ADOPT: 308, 312.1 AMEND: 300, 301, 302, 303, 304, 305, 306, 307, 310, 311, 312
 05/11/05 ADOPT: 61.9

Title 12

09/19/05 ADOPT: 460, 461
 06/14/05 AMEND: 503(f)

Title 13

09/15/05 ADOPT: 1961.1 AMEND: 1900, 1961
 09/15/05 AMEND: 1961(d)
 09/12/05 AMEND: 2262, 2264.2, 2266.5(a)(6)

08/24/05 AMEND: 551.2, 551.15
 08/18/05 AMEND: 2754
 08/16/05 AMEND: 345.39, 345.45, 345.56, 345.78
 08/11/05 AMEND: 423.00
 08/08/05 AMEND: 2185
 08/02/05 AMEND: 2450, 2451, 2452, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465
 07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21, 25.22
 07/27/05 AMEND: 350.24
 07/19/05 ADOPT: 15.04
 05/31/05 AMEND: 551.1, 551.6, 555, 558, 560, 561, 580, 583 585, 586, 595, 597

Title 13, 17

07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17)
 AMEND: 2281 (Title 13), 2282 (Title 13), 2284 (Title 13)

Title 14

09/30/05 AMEND: 502, 506
 09/20/05 AMEND: 13800
 08/26/05 AMEND: 7.50(b)(91.1)
 08/24/05 AMEND: 183 REPEAL: 188
 08/23/05 AMEND: 230
 08/23/05 AMEND: 7.50
 08/08/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970. REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
 08/05/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1
 07/21/05 AMEND: 18419
 07/19/05 AMEND: 354, 360, 361, 362, 363, 478.1, 708
 07/13/05 AMEND: 122 REPEAL: Appendix A, Form DFG 122
 06/21/05 AMEND: 895, 895.1, 1038, 1038(f)
 06/09/05 AMEND: 27.80
 06/09/05 AMEND: 782
 05/12/05 AMEND: 180.3
 05/12/05 AMEND: 120.01
 05/11/05 AMEND: 231
 05/11/05 AMEND: 601
 05/11/05 AMEND: 150.05
 05/11/05 AMEND: 150.03
 05/11/05 AMEND: 180.15

Title 14, 27

08/23/05 AMEND: Title 14, sections 17850(a); 17852(a)(5), (a)(11), (a)(12), (a)(13), (a)(15), (a)(16), (a)(21), (a)(22), (a)(24),

(a)(36), (a)(41); 17855(a), (a)(5)(A); 17855(a)(5)(B), (a)(7); 17855.4(a), (c), (d)(1), (d)(2), (d)(3); 17856(a), (c), (c)(1); 17

Title 15

09/13/05 ADOPT: 3480, 3480.1, 3483, 3484, 3485
 AMEND: 3084.1, 3084.7, 3480, 3481, 3482, 3483
 08/23/05 AMEND: 3025
 08/03/05 ADOPT: 3436
 07/07/05 ADOPT: 3187 AMEND: 3006, 3188, 3189, 3331
 06/27/05 REPEAL: 3999.1.7
 06/22/05 AMEND: 2000, 2400, 2403
 06/21/05 REPEAL: 3999.1.2
 06/21/05 REPEAL: 3999.1.3
 06/15/05 AMEND: 3335
 06/08/05 ADOPT: 2251.5, 2251.6, 2251.7
 AMEND: 2041, 2072, 2073, 2074 RE-
 PEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701
 06/02/05 AMEND: 1006, 1010, 1018, 1020, 1021, 1023, 1025, 1028 1029, 1045, 1046, 1051, 1052, 1065, 1083, 1144, 1206, 1209, 1240, 1241, 1242, 1243, 1245, 1246, 1247, 1248, 1262, 1265, 1267, 1270, 1271 REPEAL: 1218
 06/01/05 ADOPT: 4141, 4141.1
 05/26/05 AMEND: 3287

Title 16

10/05/05 AMEND: 1014, 1014.1
 09/20/05 AMEND: 407(c)
 09/09/05 AMEND: 1399.170.11
 09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
 09/06/05 ADOPT: 1070.4
 09/06/05 ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b), 1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35
 08/29/05 AMEND: 404.1, 404.2
 08/25/05 AMEND: 473
 08/25/05 AMEND: 1399.15
 08/16/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4224, 4226, 4228, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268
 07/28/05 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.5, 1387.6, 1390, 1390.3, 1391
 07/27/05 AMEND: 2085.2
 07/26/05 AMEND: 418

07/22/05 AMEND: 109, 116, 117
 07/22/05 AMEND: 1888
 07/21/05 ADOPT: 1070.5
 07/18/05 ADOPT: 1399.327, 1399.350.5,
 1399.352.7, 1399.372.5
 07/12/05 AMEND: 1397.51
 07/06/05 ADOPT: 1922.3, 1993.1 AMEND:
 1950.5, 1951, 1953
 07/05/05 ADOPT: 1398.26.1
 07/05/05 ADOPT: 1399.454 AMEND: 1399.450,
 1399.451
 06/22/05 AMEND: 1041
 05/31/05 AMEND: 4154
 05/12/05 AMEND: 1491

Title 17

09/12/05 ADOPT: 1029.117, 1029.134, 1031.8,
 1031.9, 1032.5, 1035.3, 1035.4
 09/07/05 REPEAL: 1411.1, 1420.1, 1420.2,
 1420.3, 1420.4, 1420.5, 1422.3, 1498,
 1498.1, 1498.2, 1498.3, 1498.4, 1498.5,
 1498.6, 1498.7, 1498.8, 1498.9
 08/31/05 ADOPT: 93102.5
 08/18/05 AMEND: 94006
 08/01/05 ADOPT: 58800, 58810, 58811, 58812,
 58820, 58821, 58822, 58830, 58831,
 58832, 58833, 58834, 58840, 58841,
 58842, 58850, 58851, 58860, 58861,
 58862, 58863, 58864, 58870, 58871,
 58872, 58873, 58874, 58875, 58876,
 58879, 58880, 58881, 58882 AMEND:
 54302, 54
 07/22/05 ADOPT: 50243, 50245, 50247, 50249,
 50251, 50253, 50255, 50257, 50259,
 50261, 50262, 50263, 50265, 50267
 07/11/05 AMEND: 54319
 06/30/05 AMEND: 2500, 2502, 2505
 06/23/05 AMEND: 60201, 60202, 60205, 60210
 06/22/05 ADOPT: 30194.1, 30194.2 AMEND:
 30100, 30145, 30145.1, 30225, 30230,
 30231, 30408, 30535 REPEAL: 30232
 06/20/05 AMEND: 94501, 94506, 94507, 94508,
 94509, 94510, 94512, 94513, 94515,
 94526, & Test Method
 05/18/05 AMEND: 50604, 50605, 54310, 54320,
 54326, 54332, 54335
 05/12/05 ADOPT: 1029.117, 1029.134, 1031.8,
 1031.9, 1032.5, 1035.3, 1035.4

Title 18

10/04/05 AMEND: 1698
 07/08/05 ADOPT: 4056.1
 06/07/05 ADOPT: 1160, 1214, 1331.2, 1425, 2257,
 2333, 2425, 2520, 3005, 3303, 3503,
 4031.1, 4905

Title 19

05/26/05 AMEND: 3.11

Title 20

09/08/05 ADOPT: 2800, 2801, 2810, 2811, 2820,
 2821, 2822, 2823, 2830, 2831, 2832,
 2833, 2834, 2835, 2836, 2840, 2841,
 2842
 07/26/05 AMEND: 1340, 1341, 1342, 1343, 1344

Title 21

09/09/05 ADOPT: 2600, 2601, 2602, 2603, 2604,
 2605, 2606, 2607, 2608, 2609, 2610,
 2611, 2612, 2613, 2614, 2615, 2616,
 2617, 2618, 2619
 06/03/05 ADOPT: 4059, 4060, 4062.1, 4066, 4067,
 4069, 4072.1 AMEND: 4050, 4052, 4055,
 4056, 4057, 4058, 4061, 4062, 4063,
 4064, 4070, 4071, 4072, 4073 REPEAL:
 4065

Title 22

10/04/05 AMEND: 80072(a)(8), 85068.4
 09/27/05 AMEND: 311-1
 09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5
 AMEND: 4400(I), 4403, 4412.1, 4415,
 4417
 09/02/05 AMEND: 4418 REPEAL: 4419, 4442.1,
 4444
 08/24/05 AMEND: 51510, 51510.1, 51511,
 51511.5, 51511.6, 51535, 51535.1,
 51544, 54501
 08/12/05 AMEND: 12805
 08/12/05 AMEND: 12705
 08/11/05 AMEND: 97212., 97232, and 97241.
 08/10/05 ADOPT: 97800, 97810, 97820, 97830,
 97840, 97850, 97860, 97870, 97880,
 97890
 07/11/05 AMEND: 70217
 07/06/05 ADOPT: 72516, 73518
 06/30/05 AMEND: 90417
 06/02/05 ADOPT: 51000.10.1, 51000.15.1,
 51000.20.9, 51000.31, 51000.51,
 51000.52, 51000.53, 51000.60 AMEND:
 51000.1, 51000.1.1, 51000.3, 51000.4,
 51000.6, 51000.7, 51000.16, 51000.30,
 51000.35, 51000.40, 51000.45, 51000.50,
 51000.55, 51051, 51451
 05/17/05 AMEND: 66250.1, 66250.2

Title 22, MPP

08/05/05 ADOPT: 40-036 AMEND: 22-071, 22-
 072, 22-305, 40-103, 40-105, 40-107,
 40-119, 40-125, 40-131, 40-173, 40-181,
 40-188, 40-190, 41-405, 42-209, 42-213,
 42-221, 42-302, 42-406, 42-407, 42-716,
 42-721, 42-751, 42-769, 44-101, 44-102,
 44-111, 44-113, 44-115,

06/29/05 AMEND: 63.103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)
06/15/05 AMEND: 80027, 80036, 87224, 87228, 87834, 87836, 101178, 101187, 102384

Title 23

10/04/05 AMEND: 2908
10/03/05 AMEND: 3900
09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms CIWMB 173 (4/04), 180(3/04) AMEND: 18449, 18450, 18451, 18456, 18459, 18459.2.1, 18459.3, 18461, 18462
09/21/05 ADOPT: 18801.1, 18808.1, 18808.2, 18808.3, 18808.4, 18808.5, 18808.6, 18808.7, 18808.8, 18808.9, 18808.10, 18808.11, 18809.1, 18809.2, 18809.3, 18809.4, 18809.5, 18809.6, 18809.7, 18809.8, 18809.9, 18809.10, 18809.11, 18810.1, 18810.2, 18810.3, 18810.4,
09/08/05 ADOPT: 3966
08/19/05 AMEND: 2611
08/18/05 ADOPT: 3906
07/25/05 ADOPT: 3298
07/22/05 ADOPT: 3979
07/13/05 ADOPT: 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428
06/20/05 ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2, 499.6.3 AMEND: 499.1, 499.2, 499.3, 499.4, 499.4.1, 499.5, 499.6, 499.6.1, 499.7, 499.8 REPEAL: 499.6.2
06/13/05 ADOPT: 18459.1.2, Form CIWMB 203, Form 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2,

18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Table 1, Penalty Table 2
05/31/05 ADOPT: 2917
05/23/05 ADOPT: 3939.14
05/17/05 AMEND: 645

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09/27/05 ADOPT: 8430, 8431, 8432, 8433, 8434
08/12/05 AMEND: 8204, 8210, 8211, 8212, 8212.1, 8213, 8217
07/22/05 ADOPT: 1019, 1105, 1276, 2105, 2276
07/11/05 AMEND: 8002, 8004, 8012, 8014
07/07/05 ADOPT: 8439, 8439.1, 8439.2, 8439.3, 8439.4, 8440, 8440.1, 8440.2, 8440.3, 8441, 8441.1, 8441.2, 8441.3, 8441.4, 8441.5, 8442, 8442.1, 8442.2, 8442.3, 8442.4, 8442.5, 8442.6, 8442.7, 8442.8, 8442.9, 8442.10, 8442.11, 8443, 8443.1, 8443.2, 8443.3, 8443.4,

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09/29/05 ADOPT: 20070, 21569, 21835
09/26/05 ADOPT: 15241, 15242

Title 28

08/22/05 ADOPT: 1300.67.1.3
08/10/05 ADOPT: 1300.75.4.2, 1300.75.4.4, 1300.75.4.7, 1300.75.4.8 AMEND: 1300.75.4, 1300.75.4.5
07/25/05 AMEND: 1300.74.30
06/17/05 AMEND: 1300.70.4

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09/20/05 REPEAL: 11-405.22
08/12/05 AMEND: 42-101
08/05/05 ADOPT: 63-508, 63-509 AMEND: 63-034, 63-102, 63-103, 63-300, 63-301, 63-410, 63-501, 63-503, 63-504, 63-505, 63-801, 63-804
08/01/05 AMEND: 11-400, 11-102, 11-403, 11-406

